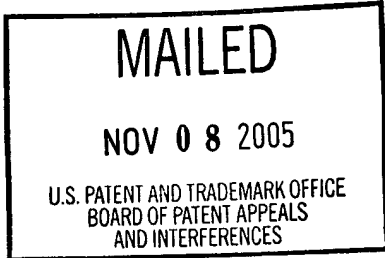


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte FRANK TUCKER SMITH
and TIMOTHY C. OSTWALD

Application No. 10/033,879

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that Examiner's Answer mailed May 9, 2005 followed the format set forth in 37 CFR § 1.192(c). However, 37 CFR § 1.192 was abolished on September 13, 2004, and replaced by 37 CFR § 41.37(c). Accordingly, Examiner's Answer of May 9, 2005 does not comply with 37 CFR § 41.37(c).

Accordingly it is

ORDERED that the application is returned to the Examiner to issue a revised Examiner's Answer in compliance with the new rules effective September 13, 2004 and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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